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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,497	01/04/2002	Omar D. Tame	19365-088180	4254

28886 7590 10/27/2003

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/936,497

Applicant(s)

Omar Tame

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 11, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 3-13 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gokimoto et al (U.S. Patent NO. 4,484,776 in view of Jones et al (WO96/20848).

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gokimoto et al (U.S. Patent No. 4,484,776).

Gokimoto et al teach the structure substantially as claimed including a seat assembly comprising a seat cushion 2, a seat back 1 operatively coupled to the cushion for pivotal movement between a generally upright seating position and a forwardly folded position pivoted against the seat cushion, a seat back pivot mechanism 10 coupled to the seat back and operable between a locked position locking the seat back in the upright seat position and an unlocked

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position for providing pivotal movement of the seat back between the upright seating position and the folded position, a front seat riser adapted to secure the seat assembly to the vehicle at 5, the front seat riser pivotally coupled to the seat cushion for pivoting the seat cushion between a generally horizontally seating position and a generally upright tumbled position a rear seat riser 9, 109, 209, 309, 409, or 509 adapted to releasably, secure the seat assembly to the vehicle, the rear seat riser including a locking latch operable between a latched position for releasably latching the rear seat riser to the vehicle with the seat cushion in the seating position and unlatched position for releasing the rear seat riser from the vehicle to allow the seat cushion to pivot from the seating position to the tumble position, and a blocking member 20, 120, 220, or 320 directly coupled between the seat back and the locking latch and operable in a first blocking position for engaging the seat back in the upright seating position and preventing the locking latch from releasing from the latched position to the unlatched position when the seat back is locked by the seat back pivot mechanism in the upright seating position but does not teach the blocking member operable in a second blocking position for engaging the seat back in a folded position when the locking latch is in the unlatched position and preventing pivotal movement of the seat back from the folded position to the seating position until the locking latch is returned to the latched position latching the rear seat . However, Jones et al teaches a blocking member 40 coupled between the seat back 20 and the locking latch 5. , the blocking member operable in a first blocking position for engaging the seat back in the upright position and preventing the locking latch from releasing (see Fig. 2) and a second blocking position for engaging the seat back in the folded position and

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preventing pivotal movement of the seat back from the folded position until the locking latch is returned to the latching position (see Fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Gokimoto et al with a blocking member as taught by Jones et al to prevent the seat back from being raised to an upright use position unless the seat is correctly engaged to the floor.

4. Claims 3-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to teach the locking latch including a latch gate pivotally connected to the rear seat riser for pivotal movement between an open position engaging and retaining the locking latch in the unlatched position when the seat cushion is released and pivotal between the seating position and the tumble position and for retaining the blocking member in the second position until the locking latch is returned to the latched position and a closed position disengaged from the locking latch when the locking latch is in the locked position as defined in claim 3 nor does it teach the support bracket secured to the rear seat riser for supporting the seat back pivot mechanism between the seat back and the seat cushion and for supporting the blocking member between the locking latch and the seat back, as defined in claim 4.

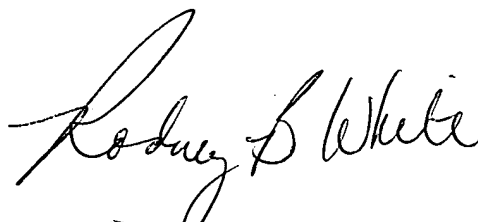
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is:

Official Amendment:	(703) 872-9326
Official After-Final Amendment	(703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Rodney B. White
Patent Examiner

Rodney B. White,
Patent Examiner
Art Unit 3636
October 23, 2003